



Montoya, Darlene <dmontoya@nmag.gov>

Policy and Procedures on Use of Deadly Force and Investigations

1 message

Stephen Lopez <stephenl@ad.nmsu.edu>
To: "dmontoya@nmag.gov" <dmontoya@nmag.gov>

Mon, Jan 23, 2017 at 4:14 PM

Hi Darlene,

Attached is a copy of the current NMSU Police Department policy and procedures regarding investigation of deadly force incidents. I am including the entire first half of Chapter 7 of our policy manual, as some of the definitions in the earlier part are useful in understanding the latter parts talking about investigations. We just re-evaluated the policy and procedures based on last week's release of the National Consensus Policy On Use of Force, and it went into effect today.

Let me know if you have any questions or need any other information.

Thanks,

Stephen

Stephen Lopez

Chief of Police

New Mexico State University Police Department

PO BOX 30001 / MSC 3187

Las Cruces, NM 88003-8001

(575) 646-3311

police@nmsu.edu



Chapter 7 - January 23 2017.docx

50K

CHAPTER 7

RESPONSE TO RESISTANCE/USE OF FORCE

EFFECTIVE DATE: January 23, 2017

REVIEW DATE: January 2018

IACLEA STANDARD: 7.1.1 through 7.2.4

REVIEWS AND APPROVALS:

Command Staff: January 23, 2017

Chief of Police: January 23, 2017

7.1.1 USE ONLY NECESSARY FORCE (rev. xx/xx/xxx)

I. PURPOSE

The purpose of this policy is to provide members of this Department with guidelines for the use of deadly as well as less lethal force, and the appropriate steps to investigate such uses.

II. POLICY

It is the policy of this Department that officers use only the force that reasonably appears necessary to effectively gain custody of a subject or bring an incident under control, or to protect the lives of the officer and others. Response to resistance must be objectively reasonable based on the totality of circumstances. The officer must only use force which a reasonably prudent officer might use under the same or similar circumstances.

III. PROCEDURES

Officers will respond to resistance using only the level of force that is reasonably necessary to accomplish the legal objectives of the member in consideration of the totality of the circumstances at the time.

- A. A member may respond to resistance based on the level of resistance proffered by the suspect, as perceived by a reasonable officer of similar training and experience and under identical circumstances.
- B. Response to resistance may include the following or any reasonable combination thereof:
 - 1. Voice Commands
 - 2. Show of force
 - 3. Obtaining additional resources (if available)
 - 4. Physical contact
 - 5. Empty hand tactics
 - 6. Nonlethal or Less lethal tools or techniques, including:
 - a. Pepper Spray



- b. Baton
 - c. Taser
 - d. Patrol Canine
 - e. Bean bag or baton rounds
 - f. Other approved chemical agents
- 7. Deadly Force
 - C. The Department, during training, may utilize a recognized use of force model as a teaching tool or guide to demonstrate the appropriate response to resistance encountered during incidents. Such a model is not a replacement nor substitute for these policies and procedures.
 - D. Although many less lethal tools or techniques are effective, they were never intended to take the place of a firearm in deadly force encounters. If lethal force is used or threatened by a criminal suspect, and human life is endangered, deadly force should be used as necessary. Selection of a less lethal tool or technique in such instances should only be attempted when officers have adequate resources, including other officers prepared to use deadly force, and when the use of the less lethal tool or technique has a reasonable chance of success under the circumstances, or when the officer is unable to deploy deadly force (e.g., the officer is disarmed or cannot acquire or use a firearm). At no time should less lethal tools or techniques be used if it places the officer or others in unreasonable danger. Any such misuse shall be investigated.

7.1.2 USE OF DEADLY FORCE (rev. xx/xx/xxx)

I. PURPOSE

The purpose of this policy is to provide police officers and authorized public safety aides and security officers (hereafter, “members”) of this Department with guidelines for the use of deadly force and the appropriate steps to investigate such uses. For the purpose of this policy, an authorized public safety aide or security officer is one who has completed approved use of force and firearms training and meets the requirements of Policy 7.2.4 and has been authorized by the Chief of Police to carry a firearm while on duty.

II. POLICY

It is the policy of this Department that authorized members may use deadly force that is reasonably necessary to protect the lives of the officer/authorized member and others, prevent the escape of a fleeing felon who poses a clear and imminent danger to the public, to stop an animal that is presenting a danger to people or livestock, or as a humanitarian measure for injured animals. The use of deadly force must be objectively reasonable based on the totality of circumstances.

III. PROCEDURES

- A. Police officers/authorized members are authorized to use deadly force when one or more of the following apply:



1. To protect the officer/authorized member or others from what is reasonably believed to be a threat of death or serious bodily harm.
2. To prevent the escape of a fleeing violent felon who the officer/authorized member has probable cause to believe poses a significant, immediate threat of death or serious physical injury to the officer/authorized member or others. If possible, prior to use of deadly force, authorized members should identify themselves as law enforcement representatives.
3. Officers/authorized members may use deadly force to destroy an animal that represents a threat to the officer/authorized member, others, livestock, or as a humanitarian measure where the animal is seriously injured. The officer/authorized member must reasonably believe that deadly force can be used without harm to the officer/authorized member or others. See Section 7.1.8, below, for more information.

B. Deadly Force Restrictions

1. Firearms shall not be discharged at a moving vehicle unless a person in the vehicle is immediately threatening the officer/authorized member or another person with deadly force.
 - a. The moving vehicle itself shall not, presumptively, constitute a threat that justifies an officer's/authorized member's use of deadly force.
 - b. An officer/authorized member threatened by an oncoming vehicle shall attempt to move out of its path, when possible, instead of discharging a firearm at it or any of its occupants.

C. Use of Deadly Force Not Restricted to Firearms

While the discharge of a firearm is the most common mechanism for use of deadly force by police officers, it is not the only type of deadly force. For example, intentionally driving into someone with a motor vehicle is a use of deadly force. Similarly, officers may be confronted with highly unusual circumstances that necessitates the use of an explosive in close proximity to a suspect who is actively trying to kill others in order to stop the attack. For purposes of this policy, any use of deadly force, regardless of mechanism, is limited to the circumstances described above and must be objectively reasonable under the circumstances.

D. Uses of Firearms That Are Not a Use of Deadly Force

1. The drawing of a firearm, even if pointed at another individual during a show of force, is not considered a use of force for purposes of this policy. This includes having a firearm at a ready position during a building search, a high risk stop, or a high risk call response. While the drawing and aiming of the firearm is a step toward using deadly force, force has not been attempted nor utilized until such time as the trigger is pulled/squeezed or attempted to be pulled/squeezed.
2. In addition to the protection of life, self-defense, and the other circumstances described above, there are other times when an authorized member may discharge a



firearm when such discharge does not constitute a “use of deadly force”. These include authorized firearms training, firearms testing, collection of evidentiary ballistic samples for laboratory testing, launching of non-lethal or less lethal munitions via a firearm, and breaching of locked doors during an emergency. However, authorized members utilizing firearms for these purposes must always be mindful of the potential dangers involved, and shall take appropriate measures to limit danger to people and property.

3. The negligent discharge of a firearm through mishandling is not automatically considered an intentional use of deadly force. However, such incidents shall be formally documented and reported to the Chief of Police, and disciplinary and/or criminal action for negligence may be taken if warranted. In the event of the injury or death of a person as a result of a negligent discharge, a full and immediate investigation shall be conducted as if the incident was an intentional deadly force incident (see below).

E. Investigation of Deadly Force Incidents

1. In incidents where there is a use of deadly force by an authorized member, there shall be two investigations conducted.
 - a. Criminal Investigation:
 1. This investigation will focus on any criminal acts perpetrated by any person. This investigation will be carried out by one of the following:
 - a) The Multiagency Officer Involved Shooting Task Force (MOISTF) (particularly for any time a member’s use of deadly force has caused injury or death);
 - b) Another agency with primary or concurrent jurisdiction where the incident took place, but separate from the New Mexico State University Police Department (generally limited to those cases where there is no injury or death); or
 - c) By members of the NMSU Police Department who were not involved in the incident and who are specifically designated on a case-by-case basis by the Chief of Police to perform this duty (most often limited to those cases where an animal is attacking livestock and must be destroyed, or an animal is injured and must be humanely destroyed).
 2. The findings of the criminal investigation will be presented to the District Attorney (or designee) upon substantial completion of the investigation. This presentation shall not be held until full completion of the investigation if the only outstanding items are laboratory results that are not likely to affect the findings. Furthermore, if there are outstanding suspects, the presentation shall be made when the investigation is substantially complete based on available evidence so the District Attorney (or designee) can determine immediate actions to take and provide direction to the investigative team. In addition, a



presentation on the findings will be made to the heads of each agency participating in the investigation no later than 3 working days after the presentation to the District Attorney.

3. While all members of the department are expected to cooperate during the criminal investigation, members who utilized deadly force and who become a focus of the criminal investigation retain all Constitutional rights. An employee may not be forced to make a statement under such circumstances, and may not be disciplined for refusing to do so.
 4. The findings and evidence obtained by the MOISTF will be made available to the person(s) conducting the administrative investigation/review.
- b. Administrative Investigation/Review:
1. An internal review and/or investigation shall be conducted to determine adequacy of and compliance with policies, procedures, directives, and training of the NMSU Police Department or the University. The Chief of Police shall assign the investigator(s) for this review, and the review may be held in abeyance until the completion of the criminal investigation if the Chief of Police determines it is in the best interest of the public for the given case.
 2. During the administrative investigation/review, members may be compelled to make statements and answer questions. Failure to comply may result in disciplinary action, up to and including termination.
 3. During the administrative investigation/review, the requirements of the Peace Officer Employer-Employee Relations Act shall be strictly adhered to.
 4. Statements and evidence collected during the criminal investigation may be utilized in the administrative investigation/review.
 5. The findings of the administrative investigation/review shall be presented to the Command Staff upon completion.
 6. The administrative review file shall be given a tracking number and kept with internal affairs files, but there shall be a notation that instead of a complainant, that the case is an automatic review of an incident in accordance with policy.
2. The first arriving police officer/supervisor not directly involved in the use of deadly force will be responsible for:
- a. Rendering or obtaining emergency medical aid for any injured persons.
 - b. Requesting additional resources through the Emergency Dispatch Center.
 - c. Securing the scene.



- d. If other police officers/members were present during the incident, obtain an interview limited to public safety concerns from any officer/member who utilized deadly force. If the only police officer/authorized member available is the officer/authorized member who discharged their weapon, a limited, voluntary interview may be obtained and must be limited in scope to:
 1. Outstanding suspects and descriptions
 2. Type and amount of deadly force used (e.g., firearm utilized and number of shots fired and direction that the shots were fired)
 3. Information to assist in establishing the perimeters of the scene
 4. Witness information
 5. Injuries to the officer or others
 6. Any other information to address only public safety concerns
 - e. Taking over custody of any prisoners
 - f. Completing the initial police report
3. Notifications shall be made to the Command Staff and on-call criminal investigator through the Emergency Dispatch Center (EDC) at the earliest possible opportunity.
 - a. The police officer making the notification will use the Department issued radio to make the initial notification to ensure accurate record keeping. Once initial notification has been made via police radio, alternate means of communication may be utilized to relay information.
 - b. The EDC staff will notify a member of Command Staff in a prompt manner and provide the contact information for the police officer in charge of the incident. At the direction of the first member of Command Staff contacted, the EDC staff will continue attempting to contact other members and record the times of contact.
 - c. The on-call criminal investigator will immediately begin to obtain additional resources, to include the assembly of the Multiagency Officer Involved Shooting Incident Task Force, if appropriate.
 - d. In the event of death, the Office of the District Attorney and the Office of the Medical Investigator shall be notified.
 - e. Command Staff will assume responsibilities for the notification of University Administration.
 - f. A supervisor, once on scene, will evaluate the need for a Victim's Services response.
 4. If there is an ongoing threat to the safety of others, an emergency notification shall be made to the campus community by the Emergency Dispatch Center staff.



5. Once the MOISTF has been assembled, the on-call investigator (or the supervisor of the Criminal Investigations Section, if on scene) will seek direction from Command Staff as to which agency will take the lead in the criminal investigation.
 - a. Once the scene is secured and public safety concerns have been addressed, the MOISTF will begin investigation of the incident. If there are multiple scenes, with one or more still active, the MOISTF team may begin investigations at those scenes that are determined to be safe.
 - b. Regardless of information received from officers or witnesses, the MOISTF team shall conduct a safety review of the scene to identify any suspicious or dangerous objects, to include improvised explosive devices. These dangers may need to be resolved or mitigated prior to the commencement of scene processing.
 - c. The MOISTF will have full access to all aspects of the scene and investigation, except those statements or information gained involuntarily/under compulsion in the administrative investigation/review.
 - d. If there is suspicion that a member may have been under the influence of alcohol or drugs, the MOISTF investigators will obtain a search warrant in order to collect evidentiary samples. The member may be closely monitored until the samples can be collected.
6. Members Who Utilize Deadly Force
 - a. If members who use deadly force have been injured, their medical needs take priority over the investigations. Investigators shall attempt to secure evidence as best as possible while the medical assistance is being rendered, but in no way should it delay or disrupt medical treatment.
 - b. Members who use deadly force should be transported from the scene to a secure area (preferably the Police Department) as soon as resources allow. An officer should be assigned to escort and remain with each such member until the MOISTF investigators can take over.
 - c. Under extreme circumstances where there is an ongoing and continuing danger to the public, officers who have utilized deadly force may continue to engage and pursue the suspect(s). If there are multiple crime scenes, the MOISTF may begin work at one or more while suspects are pursued or incidents continue at another location. Officers who have utilized deadly force shall not be automatically pulled from the incident unless and until the threat has been confirmed to have been neutralized. This is particularly true in the case of multiple assailant terrorist attacks.
 - d. Once in the secure location, the members shall be provided an opportunity to make telephone calls to family and friends to let them know the members are alright.



- e. Any equipment utilized during the use of force should be taken into evidence by the MOISTF investigators. Replacement equipment should be issued as soon as possible. Sets of replacement duty equipment are maintained in the police equipment storage room specifically for this purpose.
 - f. Members who use deadly force should be provided two sleep cycles of rest before the detailed interviews are conducted.
 - g. Members may have an attorney present during the detailed interviews, and have a right to consult with their attorney at any time during the investigation.
 - h. Members who were victims of a violent attack during the incident shall be offered assistance from Victim Services.
 - i. Members will be provided access to mental health practitioners. These interactions are considered privileged communications and cannot be disclosed except as required to complete a fit for duty evaluation.
 - j. Members who use deadly force will be placed on administrative duties or leave until the Command Staff determine the member is ready to return to their regular duties.
 - k. Prior to a return to regular duty, members who utilized deadly force will be required to participate in a fit-for-duty assessment to ensure the member is ready to return to normal duties and will not be adversely affected by such. The assessment will be conducted by a licensed psychologist or psychiatrist contracted by the department, and who has special training and experience in assisting police officers who have been in deadly force encounters.
7. Media Releases and Public Information
- The use of deadly force will rightfully be of intense interest to the general community. The department has a responsibility to let the public know what has happened and is happening whenever there has been a use of deadly force. However, the untimely release of information can compromise the integrity of the criminal investigation. As such, the needs of the investigation must be balanced with the needs of the public. In order to achieve this balance, the following steps shall be taken during deadly force incidents:
- a. The Command Staff will designate a public information officer for the incident. This may be an employee of the department, or a representative from the university.
 - b. Police officer/authorized members involved in the incident are not to discuss any aspect of the incident under investigation with co-workers (except as required for the investigations) or the media. Upon public release of the investigation, or upon written directive from the Command Staff, this restriction may be removed.



- c. Members are strictly prohibited from posting comments about the incident, directly or indirectly, on social media. This does not apply to authorized postings made on behalf of the department on authorized accounts, nor does it prevent members from making general comments of well wishes or support.
- d. Media releases shall be prepared and approved within a reasonable time.
- e. A briefing of senior university officials shall be arranged within 24 hours of the incident. This briefing may contain limited details that will not be publicly released at the time, but such details should be limited to providing the university officials with information they need to complete their jobs on behalf of the university community.
- f. The Chief of Police shall make a statement to the news media within 24 hours of the incident. This may be done (preferably) in person at a news conference, or through a written statement. The information to be disseminated at news conferences shall be carefully compiled, and the lead investigator shall be provided an opportunity to review the information and object to releases of specific information if it is likely to substantially interfere with the criminal investigation.
- g. The Inspection of Public Records Act (IPRA) grants the public (including news media) the right to examine and obtain copies of public records. These records include: police reports, including supplements; police blotters; dispatch logs; 911 tapes; police car video; and body camera video. Requests for records pursuant to IPRA shall be carefully reviewed to determine if compliance will:
 - 1. Reveal confidential sources, methods, information or individuals accused but not charged with a crime;
 - 2. Unfairly cast suspicion on or invade the privacy of innocent people;
 - 3. Endanger a person's life;
 - 4. Alert a suspect to destroy evidence, coordinate stories, or flee the jurisdiction;
 - 5. Unduly interfere with the rights of victims of violent crimes (NM Constitution, Article II, Section 24, and 31-26-1 to 14 NMSA 1978), particularly the right to be treated with fairness and respect for the victim's dignity and privacy; or
 - 6. May be withheld in accordance with other laws (e.g., FERPA, HIPAA, and other exceptions under IPRA).

To the extent that any of the above exist, consideration shall be given to whether the request can still be met through redaction. Regardless, responses required by IPRA shall be made within the time limits stipulated by the Act.



- h. The Chief of Police may make the determination that withholding certain information might increase the risk to life. This is particularly true if a violent suspect remains at large, or if a violent riot is reasonably anticipated. In these cases, the Chief may elect to release certain information even though it could risk certain aspects of the case, such as a suspect knowing that he/she is being sought. Whenever possible, such releases shall be coordinated with the lead investigator. If there is disagreement, the final decision by the Chief shall be made based on the preservation of life.
- i. Requests for public assistance (e.g., requests for witnesses to come forward) should be repeated in any media releases distributed until such assistance is no longer needed.
- j. When a case has been moved to the responsibility of another agency, such as the District Attorney, notice shall be made to bona fide news organizations of the person now responsible for releasing public information.

7.1.3 WARNING SHOTS RESTRICTED (rev. xx/xx/xxx)

I. PURPOSE

The purpose of this policy is to provide law enforcement officers/authorized members of this Department with guidelines on the restriction and use of warning shots.

II. POLICY

It is the policy of this Department that officers/authorized members shall not fire warning shots unless the deadly force is already justified and the use of warning shots would be reasonably believed to prevent the need to use deadly force.

III. PROCEDURES

Warning shots are strongly discouraged due to the danger present when discharging a firearm. However, if deadly force is already justified, warning shots may be used when:

- A. Such can be accomplished in a safe direction;
- B. Into a safe “backstop”;
- C. Such use may prevent the need to utilize deadly force on the suspect(s); and
- D. The only other reasonable option available to the authorized member to protect self or others is the use of deadly force.



7.1.4 MEDICAL AID AFTER USE OF FORCE (rev. xx/xx/xxx)

I. PURPOSE

The purpose of this policy is to provide members of this Department with guidelines for the medical care and treatment of those persons who have been exposed to a response to resistance resulting in an injury or death.

II. POLICY

It is the policy of this Department that members will, at the earliest possible time, provide and/or acquire care and treatment for persons injured as a result of a use of nonlethal, less lethal, or deadly force.

III. PROCEDURES

- A. Proper first aid treatment shall be rendered when subject(s) are in custody and can be handled without injury to themselves or the member(s).
- B. If the response to resistance tactics are at the level of impact takedowns, strikes (baton, knees, fists or elbows), chemical agents, Taser, firearms or weapons of opportunity at the less lethal or deadly force level, subject(s) will be evaluated by licensed medical personnel as soon as practical and afforded medical treatment.
 - 1. If treatment is refused, the refusal shall be documented.
 - 2. Personal protective equipment (including gloves, masks, and protective clothing) will be utilized when possible.
- C. Transportation of detainees will be accomplished as outlined in Policy 8.3.

7.1.5 REPORTING USE OF FORCE INCIDENTS (rev. xx/xx/xxx)

I. PURPOSE

The purpose of this policy is to provide members of this Department with guidelines for the requirements to report response to resistance incidents when physical force has been used.

II. POLICY

It is the policy of this Department that members shall file an appropriate report on all incidents where the member has responded to resistance through use of physical force above the level of what would be considered normal handcuffing or a control tactic using only a firm grip.

III. PROCEDURES



- A. When a level of response to resistance above the level of what would be considered normal escorting or handcuffing (and with the exception of deadly force incidents addressed in 7.1.2, above) is used by a Department member during an incident, the member using or assisting in such force shall complete a standard incident report or supplemental report with all of the necessary information, including the following as applicable:
 1. Reason for the police presence.
 2. Subject's actions or criminal activity being investigated that led to force being used.
 3. Member's verbal and physical attempts to control the subject.
 4. De-escalation tactics used.
 5. Level of resistance encountered.
 6. Level of response and type of tool or weapon used.
 7. Duration that force was applied.
 8. Any evaluations made by the member to determine whether or not the response to resistance was effective.
 9. Any observations by the member as to the subject's reaction(s) to the response to resistance.
 10. When the cessation of the force occurred.
 11. Any injuries sustained by the member, the suspect, and others during the incident.
 12. Any treatment provided to the member, the suspect, and others (and by whom).
 13. Any special circumstances that existed (e.g. disparity of size or numbers, hazardous conditions, large concentration of bystanders, etc.).
 14. Indication in the "Use of Force" checkbox.
- B. A supervisor will conduct an initial on-scene investigation into the response to resistance whenever possible. This investigation will include:
 1. Assuring that medical aid has been offered/provided as necessary;
 2. Scene observations;
 3. Interviews of all persons involved;
 4. Photographs of injuries or the lack thereof;



5. Documentation of complaints of injuries not readily visible

A supplemental report will be completed by the supervisor investigating the use of force.

- C. On an annual basis or at any other time as deemed necessary by Command Staff, all response to resistance incidents will be reviewed. Command Staff will be responsible for the review or the designation of a member to conduct such review and report findings back to Command Staff.
- D. Deadly force incidents will be reported and investigated in accordance with the procedures enumerated in 7.1.2, above.

7.1.6 ADMINISTRATIVE REVIEW OF USE OF FORCE (rev. xx/xx/xxx)

I. PURPOSE

The purpose of this policy is to assure that all response to resistance incidents are reviewed for compliance with departmental policies and procedures.

II. POLICY

It is the policy of this Department that when a use of force incident occurs, a member of the Command Staff and the immediate supervisor will review the incident to identify any issues related to training adequacy or content, policy and procedure guidance, or violations thereof.

III. PROCEDURES

At least once each year, the Chief of Police shall designate a member of the Command Staff to conduct a review of all use of force incidents reported pursuant to 7.1.5, above. The reports will be separated by officer, and then by supervisor. The designated reviewer will then meet with the respective supervisor(s) to review the reports from members reporting to him/her. The review will include:

- A. Whether departmental policies and procedures were followed;
- B. Whether relevant policies and procedures are clear and effective to cover the situation encountered;
- C. Whether departmental training was adequate (in content and frequency) for the member to be able to perform at an acceptable level; and
- D. Whether there are any indications of patterns suggesting a more detailed review of particular incident types or members is warranted.

An annual report on the response to resistance incidents from the previous calendar year shall be made to the Chief of Police by the designated employees, to include any supporting



documentation. This report shall be available upon request to the public, and shall be retained for a minimum of three (3) years.

7.1.7 REMOVAL FROM DUTY (rev. xx/xx/xxx)

I. PURPOSE

The purpose of this policy is to ensure that members who may need to be removed from normal duty as a result of a use of force are properly identified and treated in a fair and consistent manner.

II. POLICY

It is the policy of this Department that when a use of force incident occurs, supervisors shall take appropriate steps to identify any member who are likely to have difficulty performing the essential duties of their position. Members who are so identified shall be removed from their normal duties in accordance with the procedures set forth below.

III. PROCEDURES

- A. In the event that a supervisor identifies a member as likely to have difficulty performing essential duties, especially as a result of physical or mental trauma resulting from a use of force incident, the supervisor will remove the member from their assigned duties and have the member transported to the department.
- B. The Chief of Police shall be immediately notified via the chain of command and, in consultation with the rest of the Command Staff, shall make a determination on the best course of action under the circumstances. Options available include providing peer counseling, immediate referral to licensed mental health practitioners or medical providers, and placing the member on administrative leave (with the approval of Human Resources).
- C. If a large number of members are likely to be affected, a mandatory Critical Incident Stress Debriefing group session shall be scheduled. All members involved in the incident, including dispatchers and administrative personnel, may be required to attend unless specifically exempted by the Chief of Police. Additional resources for individual assistance shall be made available, as well.
- D. The determination that a member who has been removed from duty is ready to return to normal duties will be made by the Command Staff in consultation with medical and/or mental health professionals, supervisors, or other people deemed necessary.

7.1.8 DESTRUCTION OF ANIMALS (rev. xx/xx/xxx)



I. PURPOSE

The purpose of this policy is to provide members with guidelines for the use of deadly force to protect themselves as well as others from attack by vicious animals as well as to provide for the humane destruction of sick or injured animals.

II. POLICY

It is the policy of this Department that police officers may destroy an animal that is vicious and attacking the officer or others. Officers are also allowed to use duty weapons for the humane destruction of sick or injured animals in cases where there is no other reasonable alternative.

III. PROCEDURES

A. In accordance with Section 77-1-9 (B) NMSA 1978, a police officer may kill a dog in the act of pursuing or wounding any livestock, poultry, or humans. In addition, officers may kill wildlife engaged in similar attacks.

B. Prior to destruction of an animal (when possible under the circumstances), the officer will attempt to contact the appropriate animal control provider in an effort to resolve the situation without the use of deadly force by the officer.

C. A police officer may also use deadly force as a humanitarian measure when:

1. An animal is seriously injured and the officer/authorized member reasonably believes that deadly force can be used without harm to the officer/authorized member or others; and
2. There is no other reasonable alternative to assist or put down the animal.

D. A police officer/authorized member who discharges their firearm for the destruction of an animal shall notify their immediate supervisor, regardless of whether the animal is actually hit or killed. The supervisor shall immediately notify Command Staff of the circumstances involved in the destruction. The Chief of Police will designate an appropriate individual or agency to investigate the incident in accordance with 7.1.2, above.

7.1.9 ANNUAL USE OF FORCE TRAINING (rev. xx/xx/xxx)

I. PURPOSE

The purpose of this policy is to ensure members are kept updated on, and competent in, the proper use of force and response to resistance.

II. POLICY

It is the policy of this Department that all members who are authorized to utilize force to respond to resistance shall receive annual refresher training as determined by the procedures enumerated below.



III. PROCEDURES

Each year, the Command Staff shall identify training topics related to use of force and response to resistance that will be required for each member who is authorized to use force or respond to resistance. This shall include any state-mandated training, as well as any other training areas deemed appropriate by the Command Staff. At least some of this training will require hands-on practice of skills and demonstration of competency. All members must successfully complete designated use of force/response to resistance training by the deadlines designated by the Command Staff. Failure to do so will result in the employee being considered incapable of performing essential job skills/functions.